

EXHIBIT D

Amara Getzell

From: Mulqueen, Matt <mmulqueen@bakerdonelson.com>
Sent: Thursday, September 28, 2023 8:59 AM
To: David Seidel; Joseph Saveri; Ronnie Spiegel
Cc: Kaiser, Steven J.; Haynes, Savannah; Riccio, Nicole; Brendan Gaffney (bgaffney@lockelord.com)
Subject: RE: Jones et al. v. Varsity Brands et al., 2:20-cv-02892-SHL-tmp

External (mmulqueen@bakerdonelson.com)

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Counsel,

It has come to our attention that Plaintiffs' summary judgment response filings do not use double spacing in compliance with Local Rule 7.1(b). Double spacing with Times New Roman Font Size 12 would result in a document with approximately 23 lines per page. Plaintiffs' submissions instead contain approximately 27 lines per page, adding a substantial amount of content that exceeds the page limits allowed for Plaintiffs' submissions under the Court's prior order.

Please advise if you will agree to a joint motion seeking an order allowing Plaintiffs to refile their summary judgment papers in full compliance with Local Rule 7.1(b), extending Defendants' reply deadline to two weeks after Plaintiffs' resubmission, and allowing Defendants 50 pages to allocate across their reply briefs. If we cannot agree, Defendants intend to file a motion to strike Plaintiffs' summary judgment submissions seeking the same relief extending Defendants' time to respond to resubmitted filings and allocating 50 pages across the reply briefs.

Given the upcoming reply deadline, we need to move quickly to resolve this issue. If opposed, we intend to file a motion early tomorrow seeking an expedited response deadline of next Wednesday, October 4th. Therefore, please provide your response today. We of course are hopeful we can reach agreement on this issue. I am generally available today to discuss via phone today as needed.

Matt

Matthew S. Mulqueen

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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas, Virginia, and Washington, D.C.

From: Mulqueen, Matt
Sent: Monday, September 25, 2023 9:44 AM
To: David Seidel <dseidel@saverilawfirm.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>
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Counsel,

Defendants will be filing a motion seeking permission to allocate a total of 50 pages across Defendants' reply briefs in support of summary judgment. Please let us know Plaintiffs' position on the request so we can note it in our certificate of consultation. I am available for a call to discuss if needed. Please let us know your position by noon central tomorrow.

Matt

Matthew S. Mulqueen

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